

Delaware(St) Laws...

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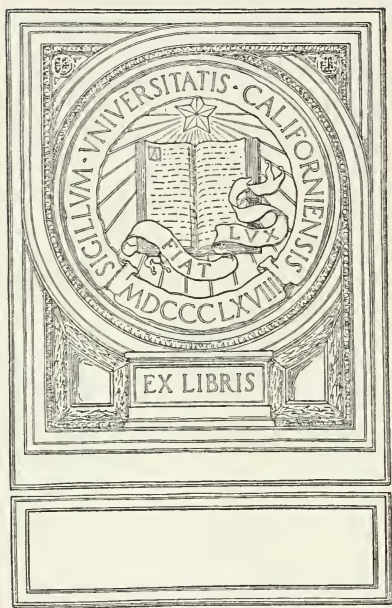
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AMENDMENTS

—TO—

General Election Law

1917

AN ACT to amend Chapter 61 of the Revised Code of the State Delaware, with reference to the regulation of nomination and election expenses.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 61 of the Revised Code of the State of Delaware be and the same is hereby amended by adding to said Chapter 61 the following Sections, to be known as 1876 A Section 23, 1876 B Section 24, 1876 C Section 25, 1876 D Section 26, 1876 E Section 27, 1876 F Section 28, 1876 G Section 29, 1876 H Section 30, 1876 I Section 31, 1876 J Section 32, 1876 K Section 33, 1876 L Section 34, 1876 M Section 35, 1876 N Section 36, 1876 O Section 37.

1876 A Section 23. That the term "candidate for nomination," as used in this Act, shall include all persons whose names are presented for nomination to public office at any primary meeting, caucus, or convention, whether or not such persons are actually nominated thereat.

The term "candidate for election," as used in this Act, shall include all persons whose names are printed as candidates on the official ballots, or on any official sticker, used at any election; and also all persons voted for, for any public office, who shall receive at least ten per cent of the highest vote received by the successful candidate for such office, but whose names were not printed on the official ballots.

The term "candidate," as used in this Act, shall, unless especially restricted therein, include both candidates for nomination and candidates for election.

The term "public office," as used in this Act, shall include every public office to which persons can be elected by vote of the people, under the laws of this State.

The term "political committee," as used in this Act, shall include every two or more persons who shall be elected, appointed or chosen, or who shall have associated themselves or cooperated, for the purpose, wholly or in part, of raising, collecting or disbursing money, or of controlling or directing the raising, collection or disbursement of money, for election expenses.

The term "election expenses," as used in this Act, shall include all expenditures of money or other valuable things in furtherance of the nomination of any person or persons as candidates for public office, or in furtherance of the election of any person or persons to public office, or to defeat the nomination or election to public office of any person or persons.

1876 B Section 24. Every political committee shall appoint and constantly maintain a treasurer, to receive, keep and disburse all sums of money, which may be collected or received by such committee or by any of its members for election expenses; and unless such treasurer is first appointed, and thereafter maintained, it shall be unlawful for a political committee or any of its members to collect, receive or disburse money for any such purpose. All money collected or received by any political committee or by any of its members, for election expenses, shall be paid over and made to pass through the hands of the treasurer of such committee, and shall be disbursed by him; and it shall be unlawful for any political committee of any of its members to disburse any money for election expenses, unless such money shall have passed through the hands of the treasurer.

1876 C Section 25. No person who is not a candidate, or the treasurer of a political committee, shall pay, give or lend, or agree to pay, give or lend, any money or other valuable thing, whether contributed by himself or by any other person, for any election expenses whatever, except to a candidate or to a political committee; and no officer of any corporation, whether incorporated under the laws of this or any other State or any

foreign country, except corporations formed for political purposes, shall pay, give or lend, or authorize to be paid, given or lend, any money or other valuable thing belonging to such corporation to any candidate or to any political committee, for the payment of any election expenses whatever.

1876 D Section 26. No candidate, and no treasurer of any political committee, shall pay, give or lend, or agree to pay, give or lend, either directly or indirectly any money or other valuable thing, for any nomination or election expenses whatever, except for the following purposes:

First. For printing and traveling expenses, and personal expenses incident thereto, stationery, advertising, postage, expressage, freight, telegraph, telephone and public messenger services.

Second. For dissemination of information to the public.

Third. For political meetings, demonstrations and conventions, and for the pay and transportation of speakers.

Fourth. For the rent, maintenance and furnishing of offices.

Fifth. For the payment of clerks, typewriters, stenographers, janitors, and messengers, actually employed.

Sixth. For the employment of watchers at primary meetings and elections, to the number allowed by law.

Seventh. For the transportation of voters to and from the polls.

Eighth. For legal expenses, bona fide incurred, in connection with any nomination or election.

1876 E Section 27. Every candidate for nomination at any primary election, caucus or convention, whether nominated thereat or not, shall, within fifteen days after the same was held, if the amount received or expended shall exceed the sum of fifty dollars, and every candidate for election, and every treasurer of a political committee, or person acting as such treasurer, shall, within thirty days after every election at which such candidate was voted for, or with which such political committee was concerned, if the amount received or expended shall exceed the sum of fifty dollars,—file with the officers hereinafter specified a full, true and detailed account, subscribed and sworn or affirmed to by him, before an officer

authorized to administer oaths, setting forth each and every sum of money contributed, received or disbursed by him for election expenses, the date of each contribution, receipt and disbursement, the name of the person from whom received or to whom paid, and the object or purpose for which the same was disbursed. Such account shall also set forth the unpaid debts and obligations of any such candidate or committee for election expenses with the nature and amount of each, and to whom owing. In the case of candidates for election, who have previously filed accounts as candidates for nomination, the accounts shall only include contributions, receipts and disbursements subsequent to the date of such prior accounts. If the aggregate receipts or disbursements of a candidate or political committee, in connection with any nomination or election, shall not exceed fifty dollars, the treasurer of the committee or candidate shall, within thirty days after the election, certify that fact, under oath, to the officer with whom the statement is filed, as hereinafter provided.

1876 F Section 28. Every such account shall be accompanied by vouchers for all sums expended exceeding ten dollars in amount. It shall be unlawful for any candidate, or treasurer of a political committee, or person acting as such treasurer, to disburse any money received from any anonymous source.

Every such account, concerning expenses incurred by, or in regard to, candidates for offices to be voted for by the electors of the State at large, shall be filed with the Secretary of State; and every such account concerning expenses incurred by, or in regard to, candidates for other offices, shall be filed with the Clerk of the Court of the several counties where such candidates may respectively reside: provided, that if any account concerns expenses in regard to candidates who do not all reside in the same county, such accounts shall be filed in each county in which any such candidate (not being a candidate for an office to be voted for by the electors of the State at large) resides.

1876 G Section 29. It shall be unlawful to administer the oath of office to any person elected to any public office, until he has filed an account as required by this Act, and no such person shall enter upon the duties of his office, until he has filed such account, nor shall he receive any salary for any period prior to the filing of the same.

1876 H Section 30. All such accounts shall be open to public inspection in the offices where they are filed, and shall be carefully preserved there for a period of two years.

1876 I Section 31. Within twenty days after the last day for the filing of any account required by this Act, any five electors of the State, or of the political division thereof concerning which any such account has been filed, may present a petition to the Superior Court in the county in which the office where such account has been filed is situated, praying for an audit of such account. The Court shall thereupon direct the officer or officers with whom such account has been filed to certify the same to the Court for audit, and may, in its discretion, require security to be entered for costs. The Court may, in its discretion, appoint an auditor to audit said account; but the fees of such auditor shall not exceed the sum of ten dollars a day for each day actually engaged. The Court or auditor shall fix a date, as early as may be convenient, for the audit; at which time the person by whom such account has been filed shall be required to be present in person, to vouch his account, and answer, on oath or affirmation, all such relevant questions concerning same as may be put to him by the petitioners or their counsel. The auditor shall issue subpoenas to all parties whom the petitioner or the accountant may require to give evidence concerning such account, and he shall determine, subject to exception, all questions as to the admissibility of evidence, and shall file a copy of the evidence with his report. If, upon the audit, the Court shall decide that the account was false in any substantial manner, or that any illegal election expenses were incurred, the costs of said audit shall be paid by the accountant; but, otherwise, by the petitioners.

1876 J Section 32. The decision of the Court upon the audit shall be subject to appeal; but if the Court shall decide that any candidate who has been elected has incurred any illegal election expenses, or has consented to the incurring of any illegal election expenses by any person or committee the Court shall certify its decision to the Attorney-General, who shall thereupon cause a writ of quo warranto to be issued; and if, upon proceedings under such writ of quo warranto, it shall be decided that the candidate in question has incurred any illegal election expenses, or has consented to the incurring of illegal election expenses by any person or committee, his election shall be declared void and his office vacant; provided, that in

the case of candidates elected to the office of Senator or Representative in the General Assembly, the decision of the Court shall be certified to the President of the Senate or to the Speaker of the House of Representatives, as the case may be; and provided further, that in the case of any candidate elected to the office of member of the House of Representatives of the United States, the decision of the Court shall be certified to the Governor of this State, who shall transmit the same to the Speaker of the said House of Representatives.

1876 K Section 33. If the Court shall decide, upon the audit, that any person, whether a candidate or not, has incurred illegal election expenses, or has otherwise violated any of the provisions of this Act, it shall certify its decision to the Deputy Attorney-General of the county in which such person may reside, and it shall thereupon be the duty of such Deputy Attorney-General to institute criminal proceedings against such person.

1876 L Section 34. No person shall be excused from answering any question, in any proceedings under this Act, on the ground that such answer would tend to incriminate him; but no such answer shall be used as evidence against such person in any criminal action or prosecution whatever, except in an action for perjury in giving such testimony.

1876 M Section 35. The Secretary of State shall, at the expense of the State, furnish to the Levy Court blanks, in the form approved by the Secretary and Attorney-General, suitable for the statements hereinbefore required. On the receipt of the list of candidates for public offices, before a caucus or primary, or upon the filing of a nomination, before a municipal election, the Levy Court shall transmit to the candidate or candidates put in nomination, or at said primaries, and to the treasurers of political committees, the blanks above described. Upon the filing of a nomination for a State or National election, the Secretary of State shall transmit to the candidate or candidates put in nomination and to the treasurer of the political committees, the blanks above described. To any person required to file a statement, such blank shall be furnished upon application therefor.

1876 N Section 36. Any person who shall incur any illegal election expenses, or otherwise violate any of the provisions of this Act, shall be guilty of a misdemeanor; and upon conviction thereof, shall be punished by a fine of not less than fifty

dollars or more than one thousand dollars, or by imprisonment for not less than one month or more than two years, either or both, at the discretion of the Court.

1876 O Section 37. All laws and parts of laws inconsistent herewith be and the same are hereby repealed.

Approved April 2, A. D. 1917.

AN ACT to amend Chapter 56 of the Revised Code of the State of Delaware by providing for the appointment by the Governor of a number of Auxiliary Registrars for the purpose of Registering Delaware Boys in the Military Service, for Election Purposes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That 1650 Sec. 32, 1651 Sec. 33, 1652 Sec. 34, 1653 Sec. 35, 1654 Sec. 36, 1655 Sec. 37, 1656 Sec. 38, 1657 Sec. 39, be, and the same are hereby amended by striking out all of the said numbers, and inserting in lieu thereof, the following to be known as 1650 Sec. 32, 1651 Sec. 33, 1652 Sec. 34, 1653 Sec. 35, 1654 Sec. 36, 1655 Sec. 37, 1656 Sec. 38, 1657 Sec. 39.

1650. Sec. 32. The Governor of this State shall designate and appoint at the same time of appointing other registration officers of this State, as many qualified citizens of the State as Auxiliary Registrars of voters, as he may deem necessary for the purposes herein prescribed, who shall qualify as other Registrars are required to do and whose duty it shall be to visit some time before the last Saturday in September, in any year in which a general election is held, all Military or Naval Encampments in this State or the United States, or in whatever part of the world they may be located, wherein citizens of this State shall be enlisted or engaged in the discharge of military duty, for the purpose of registering, as hereinafter provided for such citizens as voters of the Hundred or Election District in which they are entitled to be registered, as designated in Sec. 31 of this Chapter, PROVIDED, that in the appointment of said Auxiliary Registrars by the Governor, the same number shall be appointed from each of the two principal political parties of the State, and in performing the duties

herein prescribed, they shall work and travel in Boards of two, one from each of the said political parties.

1651 Sec. 33. Application for Registration Deemed a Personal Application Within Section 4, Article V of Constitution: Upon application being made to be registered as a voter of any Hundred or Election District of this State, by any officer or enlisted man of any military organization, before any of said Auxiliary Registrars of Voters as provided for in the foregoing Section of this Chapter, such application shall be deemed and taken to be a personal application within the meaning of paragraph 3, Section 4, of Article V of the Constitution.

1652 Sec. 34. Notice of Time of Visiting Camps: The Auxiliary Registrars herein provided for, shall notify the encampment or encampments of the time they will visit them for the purpose of registering voters, and they shall sit for registering during such hours of the day as shall be arranged to suit the convenience of such military organization.

1653 Sec. 35. Record of Applicants; How Kept: The Auxiliary Registrars shall make and keep a complete list of the names of all those applying to them to be registered, together with their qualifications as to age, birth, nativity, etc., in the same manner and detail as is required to be done on the books of registration kept by the Registrars sitting in the various Hundreds or Election Districts of this State.

1654. Sec. 36. Separate Lists for Each Election District: The Auxiliary Registrars shall make a separate and distinct list for each Hundred or Election District of this State of all those applying to them to be registered in such Hundred or Election District.

1655 Sec. 37. Return of Auxiliary Registrar: Immediately upon the completion of these lists of registration and not later than the third Saturday next preceding the day of the next General Election, the Auxiliary Registrars shall make and certify under oath, and forward by registered mail or personal delivery, to the Registrars of the various Hundreds or Election Districts of this State, the names and qualifications as recorded by them of all those who applied to them to be registered in such Hundreds or Election Districts.

1656 Sec. 38. Registrars of Election Districts to Enter on Registration Books the Names Returned by Auxiliary Regis-

trar; Challenge; Registrar to Keep List; Subject to Inspection; Registrar to Make List of Those Registered and Not Registered; Appeals: The Registrars of and for the respective Hundreds or Election Districts of this State, who shall receive any such list from any Auxiliary Registrars as herein provided for, shall open such list of voters during the first hour of the next succeeding meeting of the officers of registration for the purpose of registering. Then and there the Registrar shall in a clear and distinct voice, audible to those in the room and as well as those about the window, where voters are gathered for the purpose of being registered, read the name of each voter so returned by the Auxiliary Registrars for registration. Every name shall be entered upon the books of registration kept in and for such Hundred or Election District, if it is found that the person represented by such name would have been qualified to have appeared there in person and been registered. But any member of the Board of Registration or any qualified voter of the Election District may challenge the registering of the names upon the book of registration, for the Hundred or Election District; and the question of the right to register such name shall be determined by the registration officers just as they are authorized to determine like questions concerning those who present themselves before them there in the Election District. The Registrar shall keep complete and inviolate the list of names and qualifications just as he received them from the Auxiliary Registrars, but such list shall always be subject to the inspection of the qualified voters of the Election District, provided it shall not be taken from the possession of the Registrar.

The Registrar of the Election District shall also make and keep for the inspection of the voters of his Election District a list of all those names which he has received from the Auxiliary Registrars and which have been granted registration on the books of that Hundred or Election District, and he shall also keep another separate list of all the names so received by him which have been denied registration upon said books, and those lists shall in like manner be at all times subject to the inspection of the qualified voters of that Hundred or Election District. And from the action of the Registration officers in so granting or refusing registration to any name received from the Auxiliary Registrars any Registration officer or interested person may appeal as provided for in Section 4 of Article V of the Constitution.

1657 Sec. 39. Compensation of Auxiliary Registrars; How Paid: The Auxiliary Registration officers provided for by this Chapter shall receive such compensation per day as is allowed to Registrars sitting in the various districts of this State, and he shall be allowed and paid by the State Treasurer such an amount for traveling expenses as shall be approved by the State Auditor upon vouchers presented him, PROVIDED, that all appeals for an absent member of the military force may be taken by his attorney, as effectually as by himself, and in all appeals from the registration of any citizen absent in the military service, defense can be made as effectually by his attorney as if he were present in person.

Approved April 10, 1918.

State of Delaware.



Office of Secretary of State
DOVER, DEL.

EVERETT C. JOHNSON
SECRETARY OF STATE

February 25, 1920

Prof. Victor J. West,
Stanford University, California.

Dear Sir:

In reply to your favor of the 19th inst.,
I am sending you under separate cover, pamphlet copy
of the Election Laws of this State together with

all Amendments to date.

Very truly yours

Everett Johnson
Secretary of State

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